

## REMARKS

Applicant requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 32-39 are pending in the application with, Claims 32, 34, 36 and 38 being independent. Claims 1-32 have been cancelled and Claims 32-39 are newly added. Support for the new claims can be found in the originally-filed specification at least at page 17, lines 8-20, page 20, lines 9-20, and Figs. 6A-6D. No new matter has been added.

In the Official Action, Claims 24-31 were rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,262,769 (Anderson et al.) in view of “Applicant’s admitted prior art,” and further view of U.S. Patent No. 5,189,404 (Masimo et al.). This rejection is respectfully traversed. Nevertheless, without conceding the propriety of the rejection, Claims 24-31 have been cancelled, and new Claims 32-39 presented in their place.

As recited in independent Claim 32, the Applicant’s invention relates to an image processing apparatus comprising, among other things, a display unit adapted to display a first image, on which a second image is superimposed, and an outputting unit adapted to output the first image, on which a third image is superimposed, from the image processing apparatus. The image processing apparatus rotates the second image in a first direction according to a position of an image capture unit, superimposes the rotated second image on the first image, and displays the first image, on which the rotated second image is superimposed, on the display unit, and, at the same time, rotates the first image in a direction opposite to the first direction, superimposes the

third image without rotation on the rotated first image, and outputs the rotated first image, on which the third image is superimposed without rotation, from the outputting unit.

Accordingly, one feature of Applicant's invention as recited in Claim 32 is that in an image processing apparatus, the display of an image on a displaying unit and the output to an outputting unit are simultaneous. Also, according to Applicant's invention, the rotations of the first image and the second image are in opposite directions. Thus, Applicant's invention allows an image and text to be correctly displayed simultaneously on a display unit and an outputting unit at any time. This feature of Applicant's invention is accomplished, in part, due to the simultaneous display and opposite rotation directions of the first and second images.

None of the cited documents discloses or suggests at least the foregoing features of Applicant's invention.

The Anderson et al. patent is directed to a method and system for auto-rotating a graphical user interface for managing portrait and landscape images in an image capture unit, and discloses rotating an image and text so as to be displayed in the same orientation. However, the Anderson et al. patent neither discloses nor suggests simultaneously displaying an image on a display unit and outputting the image to an outputting unit. Nor is there any teaching in the Anderson et al. patent of rotating a first image and a second image in opposite directions. Accordingly, the Anderson et al. patent cannot be said to disclose or suggest displaying a first image, on which a second image that has been rotated in a first direction is superimposed, and, at the same time, outputting a first image that has been rotated in the direction opposite to the first

direction, on which a third image is superimposed without rotation, as presently recited in Claim 32.

In the Background section of the present application (referred to in the Office Action as “Applicant’s admitted prior art”), a system is described in which images output to a liquid crystal display (LCD) panel and a TV monitor are identical. However, “Applicant’s admitted prior art” fails to remedy the deficiencies in the Anderson et al. patent noted above, with respect to Claim 32. In particular, “Applicant’s admitted prior art” makes no suggestion of displaying a first image, on which a second image that has been rotated in a first direction is superimposed, and, at the same time, outputting a first image that has been rotated in the direction opposite to the first direction, on which a third image is superimposed without rotation, as recited in Claim 32. Rather, in “Applicant’s admitted prior art,” if character data are displayed on the LCD panel and the TV monitor in the same orientation, when the camera is held vertically, the characters on the LCD panel are horizontally inclined and cannot easily be read (page 5, lines 15-23). Applicant’s invention solves this problem in the prior art.

The Masimo et al. patent is directed to a display apparatus with rotatable display screen, and discloses rotating text without rotating an image. However, the Masimo et al. patent likewise fails to remedy the deficiencies in the Anderson et al. patent noted above with respect to Claim 32. In particular, the Masimo et al. patent is silent as to simultaneously displaying an image on a display unit and outputting the image to an outputting unit. Nor is there any suggestion in the Masimo et al. patent of displaying a first image, on which a second image that has been rotated in a first direction is superimposed, and, at the same time, outputting a first

image that has been rotated in the direction opposite to the first direction, on which a third image is superimposed without rotation.

Thus, Applicant submits that the cited documents, whether taken alone or in combination (assuming for the sake of argument that they can even be combined), fail to disclose or suggest salient features of independent Claim 32.

Independent Claims 34, 36, and 38 are directed to a digital camera, a method for use in an image processing apparatus, and a method for use in a digital camera, respectively, and each recites features along the lines of those discussed above with respect to independent Claim 32.

For at least the foregoing reasons, Applicant submits that independent Claims 32, 34, 36, and 38 are patentable over the cited documents. The dependent claims are also allowable, in their own right, for defining features of the present invention in addition to those recited in the independent claims from which they depend. Individual consideration of the dependent claims is requested.

This Amendment After Final Rejection does not raise significant new issues, is an earnest attempt to advance prosecution and reduce the number of issues, and is believed to clearly place this application in condition for allowance. This Amendment was not earlier presented because Applicant earnestly believed that the prior Amendment placed the subject application in condition for allowance. Accordingly, entry of this Amendment under 37 CFR 1.116 is respectfully requested.

Applicant submits that the present application is in condition for allowance.

Favorable reconsideration, withdrawal of the rejection set forth in the above-noted Office Action, and an early Notice of Allowability are requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David A. Divine", written over a horizontal line.

David A. Divine  
Attorney for Applicant  
Registration No. 51,275

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

DAD\gmc

DC\_MAIN 193513v1